

REMARKS/ARGUMENTS

This Amendment is responsive to the Office action dated January 4, 2007, setting forth a shortened three month statutory period for reply expiring on April 4, 2007. The Examiner rejected claims 10-13, and objected to claims 14-23. Applicant has canceled claims 10-12; thus, claims 13-23 are now pending in the application. The Examiner is respectfully requested to withdraw the rejections and objections in view of the remarks and/or amendments contained therein.

Rejections Under 35 U.S.C. § 102(b)

Claims 10-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,302,162 issued to Pasero. Herein, the U.S. Patent No. 5,302,162 shall be referred to as "Pasero." Applicants respectfully traverse the rejections based on the following remarks.

Although applicants disagree with the Examiner's assertion that claims 10-12 are anticipated by Pasero, claims 10-12 have been canceled. Thus, this rejection is moot. Applicants, however, reserve the right to prosecute these claims in a later filed continuation application.

Applicants respectfully submit that the Examiner has not met the anticipation requirement, and further respectfully suggest that the art cited under 35 U.S.C. § 102 by the Examiner fails to teach or suggest amended claim 13. Claim 13 has been rewritten in independent form with all the limitations of claim 1, and is patentable for the following reasons.

The present invention, as stated in amended claim 13, relates to a treadmill. The treadmill includes a roller that is mounted on an axle. The axle includes a threaded recess and is seated in a bushing that has an axle extension, wherein the axle extension is seated in a second bushing, and the belt urges the axle extension into the second bushing. Referring to the specification and the Figures, the end 86 of the bushing 78 is the axle extension. For example, see the specification, page 11, line 30 – page 12, line 5, and Figs. 8-9. Therefore, this is not new matter.

Previously, the Examiner applied the Pasero reference against claim 13. The reference Pasero appears to refer to a treadmill. The treadmill appears to include a ratcheting bolt assembly. See Pasero, column 4, lines 28-29. The ratcheting bolt assembly appears to include an elongate shaft 70 that has a threaded portion and a non-threaded portion. See FIGS. 3-4,

column 4, lines 36-39. The threaded portion 74 of the shaft 70 is slidably inserted through the outer slot 66 in the rear end of the mounting block 44 and passes into the inner slot 62 therein. See FIGS. 3-4, column 4, lines 36-39. The threaded portion is then threadably engaged within the threaded aperture 68 of the axle 48. See FIGS. 3-4, column 4, lines 36-39. Pasero is silent, however, regarding the bushing having an axle extension and the axle extension being seated within a second bushing, where a belt that extends over the support bed urges the axle extension into the second bushing. Thus, Pasero fails to teach, mention, or disclose "a roller mounted on an axle, the axle including a threaded recess being seated in at least one bushing, the bushing forming an axle extension . . . wherein the axle extension is seated in a second bushing, and the belt urges the axle extension into the second bushing," as stated in claim 13. (emphasis added). Therefore, for at least the reasons set forth above, amended claim 13 is patentable under 35 U.S.C. § 102 over Pasero.

Allowable Subject Matter

Applicants thank the Examiner for stating that claims 14-23 contain allowable subject matter. Claims 14 and 15 have been rewritten in independent form with all the limitations of claim 10, the base claim. Claims 16-24 depend either directly or indirectly from claim 15; thus, claims 16-24 are allowable for at least the same reasons as claim 15. Therefore, Applicants believe that claims 14-24 are in form for allowance, and such indication is respectfully requested.

CONCLUSION

In light of the above amendments, these rejections are moot. The Assignee expressly reserves the right to traverse these rejections in a continuation application or other related application.

Applicants believe no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

Respectfully submitted,

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By 
Lee R. Osman, Reg. No. 38,260

DORSEY & WHITNEY LLP
370 Seventeenth Street, Suite 4700
Denver, Colorado 80202-5647
Tel.: (303) 629-3400
Fax: (303) 629-3450

USPTO Customer No.: 20686